



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

HEPWORTH, et al.

Serial No.: 10/028,874

Filed: October 22, 2001

Atty. File No.: 4366-43

For: "REAL TIME CONTROL PROTOCOL
SESSION MATCHING"

) Group Art Unit: 2152

) Examiner:

) PETITION FOR ACCORDANCE OF FILING

) DATE (37 C.F.R. §§ 1.182 & 1.17(h))

) M.P.E.P. §506.02)

) "EXPRESS MAIL" MAILING LABEL NUMBER: EL 767782745 US
) DATE OF DEPOSIT: February 12, 2001

) I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED
) WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST
) OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE
) INDICATED ABOVE AND IS ADDRESSED TO THE ASSISTANT
) COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

TYPED OR PRINTED NAME: Angela P. Davis

SIGNATURE: [Signature]

Office of the Patent Legal Administration
Assistant Commissioner of Patents
Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

Applicant respectfully petitions for a filing date of October 22, 2001, for the above-identified patent application. This Petition is being filed in response to a filing receipt (copy enclosed as Exhibit "A") dated January 30, 2002, which indicates an incorrect filing date of December 22, 2001.

It is respectfully submitted that the filing date of filing receipt was issued in error because the application was a complete application as filed under 37 C.F.R. § 1.53(b) and was filed on October 22, 2001. In support of this petition, the following items are attached hereto: (i) a Utility Patent Application Transmittal filed with the application and signed October 22, 2001 (Exhibit "B"); (ii) a copy of the postcard receipt filed with the application showing an incorrect filing date of December 22, 2001 (Exhibit "C"); and (iii) a copy of the express mail receipt stamped October 22, 2001 (Exhibit "D"). As can be seen from the attached, the number on the express mail label number, namely 822581352, matches the express mail label number identified on the Utility Patent

07/12/2002 10:00:00 00000129 10028874

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Adjustment date: 07/12/2002 HNDHAMM1
02/22/2002 BABRAHA1 00000129 10028874
01 FC:122 -130.00 00

Rep'n. Ref: 07/12/2002 HNDHAMM1 0010394900
Date: 02/22/2002 Name/Number: 10028874
FC: 704 \$130.00 CR

Application Transmittal. Accordingly, the postcard receipt and filing receipt show an incorrect filing date of December 22, 2001.

Based on the foregoing, it is respectfully submitted that the application should be accorded a filing date of October 22, 2001, the date on which a complete application was deposited with the PTO. A check in the amount of \$130.00 is enclosed for the petition fee under 37 C.F.R. § 1.17(i). However, because the application was complete as originally deposited on October 22, 2001, a refund of the \$130.00 fee is respectfully requested. No additional fees are believed to be due with this communication. If any such fees are due, however, then please charge such fees to Deposit Account No. 19-1970.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

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Date: Feb. 12, 2002

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